

1 over the years?

2 A Over the years the figure has increased.  
3 Maybe not every year, absolutely over the next year,  
4 but the general trend has been a larger number, yes.

5 Q Does the station -- during the fiscal year  
6 that ended June 30, 2004, did the station bring in any  
7 money from underwriters?

8 A Yes, the station did bring in money from  
9 underwriters.

10 Q Do you have any knowledge as to  
11 approximately how much?

12 A I, at this point, couldn't give you a --  
13 again, I didn't prepare that information at this time.  
14 I didn't bring that data with me. Just historically,  
15 I know that it wouldn't -- we don't do a lot of  
16 underwriting on KALW, locally at the station.

17 I'd have to say it would have been under -  
18 - I think my estimate would be maybe under \$50,000.  
19 Again, I'd have to review that information.

20 Q Has that figure been relatively steady for  
21 the last several fiscal years?

22 A It seemed to be at a time when the economy

1       seemed to be a bit better in the area, when we had a  
2       little bit more than we probably did during 2004. So,  
3       in that sense, I wouldn't have been surprised if it  
4       had been -- if I'd looked back if I researched it that  
5       in 2004 it might have been less than it had been the  
6       year or two before.

7               Q       Now, in terms of cash coming to the  
8       station, does the station also receive cash from the  
9       Corporation for Public Broadcasting?

10              A       Every year we apply for a grant from the  
11       Corporation for Public Broadcasting, since I've been  
12       there anyway. And so, and we do get a grant check  
13       every year, a grant amount from CPB, Corporation for  
14       Public Broadcasting.

15              Q       For the fiscal year ending June 30, 2004,  
16       do you have any recollection as to approximately how  
17       much that was?

18              A       I don't have -- again, that's not a number  
19       that I was -- off the top of my head. I would  
20       probably -- it would be a six-figure amount. Perhaps  
21       somewhere between \$100,000 and \$150,000 approximately.  
22       Again, I'd have to -- I'd want to review -- go back

1 and find that information, but I don't have -- but  
2 that would be approximately.

3 Q Now, we've -- or I've asked you about  
4 donor contributions, about underwriting and about the  
5 Corporation for Public Broadcasting. Are there any  
6 other sources of cash that bring money into the  
7 station?

8 A We periodically will sell a copy of a  
9 radio program if we have it available. People will  
10 call in or write in and send us a check to buy a copy  
11 of a radio program. Some shows we can make copies of  
12 and sell. That would bring in some revenue.

13 Occasionally, there might be a grant from  
14 a foundation you could apply for and I know recently  
15 we've received some of those. I don't know what we  
16 received, for instance, in the fiscal year 2004. I  
17 don't recall. We didn't get a lot of grants.

18 That would -- currently, that's pretty  
19 much where we get our source of our funding.

20 Q I'd forgotten to mention -- did you get  
21 any money from a sub-carrier agreement?

22 A The sub-carrier agreement funds, we

1 stopped getting those funds. Those were -- sub-  
2 carrier agreement funds were with the San Francisco  
3 Unified School District, and in the last year or two,  
4 I don't believe we've gotten any.

5 Q So, from what you've mentioned and the  
6 figures that you've given, the amount of cash that  
7 comes into the station is somewhere in the vicinity of  
8 a million dollars?

9 A I would say that that's a ball park  
10 number.

11 MR. DUNCAN: Just to clarify for the  
12 record, that's fiscal year 2004 number --

13 THE WITNESS: Right.

14 MR. DUNCAN: Ballpark?

15 THE WITNESS: Yes.

16 BY MR. SHOOK:

17 Q And as far as what you know now, I mean,  
18 we're approaching the end of another fiscal year, have  
19 any figures come to your attention to indicate whether  
20 there has been, you know, a change between what came  
21 in in fiscal year 2004 and what's coming in to this  
22 fiscal year, the one that's going to end in a couple

1 of weeks?

2 A I've looked at some preliminaries  
3 certainly in the last month or two and it seems that -  
4 - I would say that the donations seem to have gone up  
5 and we've gotten a couple of grants. We also got a  
6 special, from this past fiscal year, a -- I think  
7 there was a grant from CPB, a special grant from CPB  
8 to -- it's called a digital conversion grant to  
9 upgrade our equipment for new digital broadcasting  
10 that's going to be going online.

11 Q At this point, do you have a preliminary  
12 figure for how much cash has come into the station  
13 during the most recent fiscal year which has not yet  
14 ended?

15 A I'm --

16 MR. DUNCAN: Objection. I think he's  
17 testified that he doesn't have these numbers. So I  
18 just want to make sure that we're not taking him  
19 somewhere after he's testified that he doesn't have  
20 these numbers, where he's going to be pinned down on  
21 some numbers. So, I think he's testified that he  
22 doesn't know the answer to the question.

1 JUDGE SIPPEL: Yes, that's clear. I mean,  
2 there's a -- consider that to be an instruction that  
3 these are -- you know, using the term ballpark and  
4 estimates and this type of thing. I'm not sure what -  
5 - why you're in need of all that information.

6 MR. SHOOK: Your Honor, if I may, one of  
7 the possibilities in this proceeding is the imposition  
8 of a forfeiture.

9 JUDGE SIPPEL: All right.

10 MR. SHOOK: That's why I'm inquiring about  
11 the financial situation.

12 JUDGE SIPPEL: All right, well, what about  
13 the school district? Wouldn't they also be a source  
14 for paying forfeitures? This is an operation that's  
15 controlled by the school district, right?

16 MR. SHOOK: Certainly that's a  
17 possibility.

18 JUDGE SIPPEL: All right. Well, we're not  
19 going to go into that.

20 MR. SHOOK: Not with this witness.

21 JUDGE SIPPEL: All right. Go ahead. I'm  
22 sorry. Continue.

1

BY MR. SHOOK:

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Q So, just whether or not you had any preliminary figures for the cash that was coming into the station for the fiscal year which will end June 30, 2005.

A I don't have any -- an estimated number that I could give you right now. I vaguely remember looking at it and saying, huh, looks like it's been a pretty good year, and having that response to looking at the numbers, but I don't actually have the numbers.

Q When you came to be known as the station's operation manager, were you given any responsibilities for maintaining the station's Public Inspection File?

A No, I wasn't given responsibility for maintaining the station's Public Inspection File. I considered myself as always being -- assisting the general manager in whatever goal they wanted in that responsibility.

Q To your understanding, who was the person who was responsible for maintaining the station's Public Inspection File?

A From the time I started working at KALW,

1 I would say I had always considered it the  
2 responsibility of the general manager of the station.

3 Q Did you ever provide assistance to Mr. Del  
4 Solar with respect to the station's Public Inspection  
5 File?

6 A I can recall assisting him, yes, when he  
7 had specific requests for me, I would assist him.

8 Q Do you have any recollection as to what  
9 those requests may have been?

10 A I recall at some period assisting him,  
11 when he requested, preparing an ownership report that  
12 had to be filed with the FCC. Ownership reports, as  
13 he explained to me, had to be done periodically when  
14 there was a change in the make-up of the Board of  
15 Education, the San Francisco Unified School District,  
16 who are elected officials.

17 When there was a change in that make-up of  
18 that Board, we had to -- he had a form and the form  
19 had to be filled out with the names of the individuals  
20 and I believe that he even had to have their  
21 occupation on it and that form had to be filled out.  
22 Then it probably -- it had to be signed by someone



1 with the school district and filed with the FCC.

2 I believe I remember him asking me to type  
3 one of those out and that was my -- the first thing I  
4 knew about ownership reports.

5 Q Other than filing the report with the FCC,  
6 was -- did you have any understanding as to whether  
7 there was anything else that was supposed to have been  
8 done with the ownership report or supplemental  
9 ownership report?

10 A I don't recall there having to be anything  
11 else to do with it. I probably, like I said, helped  
12 type it out. I typed it out by way of his request.  
13 I'm not sure where we got the information, whether I  
14 got it from him and I typed it or I made the necessary  
15 phone calls to get it.

16 Then the information was -- I know that  
17 the most important thing he believed was, you know,  
18 this piece of paper had to go to the FCC and it also,  
19 like I say, had to be -- before it went to the FCC,  
20 had to be signed by a school district official.

21 So, I believe he would take it down and  
22 have it signed by the school district official before

1 sending it off to Washington.

2 Q Did you have any understanding as to  
3 whether or not a copy of that document was also to be  
4 placed in the station's Public Inspection File?

5 A I recall us making copies of it and I  
6 recall giving him the copies. I don't have specific  
7 recollections of him --

8 Q Him?

9 A Him, excuse me, Mr. Del Solar, making  
10 copies -- you know, giving me the copy and requesting  
11 that I put in the file or if he put it in the file, he  
12 would have put it in the file himself.

13 Q Did you ever prepare a quarterly issues  
14 programs list during Mr. Del Solar's tenure as general  
15 manager?

16 A During the time Mr. Del Solar was there,  
17 I don't have any recollection of preparing a quarterly  
18 issues programs list.

19 Q Were you aware of anyone preparing  
20 quarterly issues programs lists during Mr. Del Solar's  
21 tenure as general manager?

22 A I don't have any recollection of anyone

1 else preparing them. No, I don't. I assume since he  
2 was the general manager of the station, I assume that,  
3 looking back on it, that he would have made sure they  
4 -- he did them or made sure they were done.

5 Q Well, to follow up on that, did you  
6 personally ever place quarterly issues programs list  
7 in the station's Public File during Mr. Del Solar's  
8 tenure as general manager?

9 A During the time he was general manager, I  
10 don't have any recollection of doing that.

11 Q During Mr. Jacob's tenure as general  
12 manager, and I think as I understand, he was the  
13 person who followed Mr. Del Solar as general manager,  
14 so, during Mr. Jacob's tenure as general manager, did  
15 you ever provide assistance to him with respect to the  
16 station's Public Inspection File?

17 A Regarding the station's Public Inspection  
18 File, I don't have any specific recollection of what  
19 I did for him, although I may have.

20 Q In terms of may have, do you have anything  
21 in mind that you may have done for Mr. Jacob?

22 A I may have, again, assisted him with an

1 ownership report if one was -- if he said that one was  
2 necessary, but that would be the only thing that I  
3 could recall at this time.

4 Q In terms of an ownership report, how often  
5 was it that there was any kind of a change on the --  
6 of the make-up of the Board of Education?

7 A Generally, there was an election of some  
8 of the Board members, not the entire Board, every two  
9 years. Generally, on even numbered years as I recall.  
10 So, if there was a change, that kind of change would  
11 be about every two years.

12 Q The election would take place in November  
13 of that year?

14 A The elections tended to -- yes, took place  
15 in the November election. The person might not begin  
16 serving on the Board until maybe after the first of  
17 the year though.

18 Q I see, so there was maybe a two-month gap  
19 after the election before the person became officially  
20 a member of the Board?

21 A I believe so. I'm not 100 percent certain  
22 about exactly at what point they take over, and it's

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1 not take over, but start their term.

2 Q Did you ever prepare quarterly issues  
3 programs list during Mr. Jacob's tenure as general  
4 manager?

5 A During the time Jerry Jacob was there I  
6 don't recall preparing -- having him request that I  
7 prepare one.

8 Q Were you aware of anyone preparing  
9 quarterly issues programs list during Mr. Jacob's  
10 tenure as general manager?

11 A I have no recollection of who else would  
12 have prepared them.

13 Q Well, my question was more along the lines  
14 of were you aware of anyone preparing them?

15 A During that time, I don't know who  
16 prepared them.

17 Q Did you ever place quarterly issues  
18 programs list in the station's Public File during Mr.  
19 Jacob's tenure as general manager?

20 A I don't recall him ever requesting that I  
21 put any -- he or anyone else requesting that I put any  
22 in the Public Information File.

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1 Q Were you aware of anyone placing quarterly  
2 programs issues list in the station's Public  
3 Inspection File during Mr. Jacob's tenure as general  
4 manager?

5 A No, I don't recall anyone placing them in,  
6 whether they were placed or not, but I don't recall --  
7 I don't recall someone placing them in.

8 Q Now, were you aware of any school board  
9 elections that took place during Mr. Jacob's tenure as  
10 general manager?

11 A Let's think here. He started at KALW in  
12 1992 and I expect there was an election. I mean, that  
13 was an even-numbered year, that there would have been  
14 an election of board members in 1992. So, I suspect,  
15 in that case, that there was a change of owner --  
16 there would be new board members who were perhaps  
17 starting out of that election.

18 Q Do you recall whether or not there was a  
19 supplemental ownership report prepared as a  
20 consequence of that election?

21 MR. DUNCAN: Objection. I think the only  
22 evidence of the election is pure speculation on Mr.

1 Helgeson's part. So, I don't know how he can be asked  
2 whether there was something done in reaction to  
3 something he speculates may have taken place.

4 JUDGE SIPPEL: What year election are you  
5 talking -- are you asking about, Mr. Shook?

6 MR. SHOOK: Nineteen ninety-two, and I  
7 believe it's a matter of public record that there was  
8 such an election.

9 JUDGE SIPPEL: So then, you don't need to  
10 develop that fact through this witness?

11 MR. SHOOK: No, not that fact. It's not  
12 that fact, but that basically served as a predicate  
13 for helping him try to recall whether or not there was  
14 an ownership report prepared.

15 JUDGE SIPPEL: Does that help you at all?

16 THE WITNESS: Yes.

17 JUDGE SIPPEL: I'm going to overrule the  
18 objection to the extent that it has been clarified.  
19 Go ahead.

20 THE WITNESS: In 1993, if there was a  
21 change in the make-up of the board as the result of  
22 that '92 election, an ownership report -- supplemental

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1 ownership report would have been -- should have been  
2 filed then in 1993. I can't remember it being done in  
3 exactly at that time.

4 I don't recall us -- who sat down or sat  
5 down and typed it.

6 MR. SHOOK: Do you have any recollection  
7 of it ever being done?

8 MR. DUNCAN: Same objection, Your Honor.  
9 I don't know what it is at this point.

10 MR. SHOOK: It would be the ownership  
11 report that reflected any changes following the 1992  
12 general election.

13 JUDGE SIPPEL: Supplemental.

14 MR. SHOOK: Supplemental ownership report.

15 MR. DUNCAN: So it's do you recall such a  
16 supplemental ownership being filed at any time  
17 relating to changes in board membership that occurred  
18 in 1992 --

19 MR. SHOOK: And as far as that goes, the  
20 question wasn't focused on filing it, the question is  
21 focused on the document having been prepared at all.

22 MR. DUNCAN: It's not asking for you to

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1 guess. It's asking whether you have any recollection  
2 of that document being prepared.

3 THE WITNESS: I don't have a recollection  
4 of the preparation of that document at this time.

5 BY MR. SHOOK:

6 Q Now, it's also a matter of public record  
7 that there was an election in November of 1994 of the  
8 school board. Do you have any recollection whether or  
9 not a supplemental ownership report was prepared  
10 following the 1994 general election?

11 A I don't have specific recollection of  
12 preparing that document. Nineteen ninety-four, it  
13 would have been prepared in 1995. I don't have a  
14 specific recollection of that document being prepared.

15 Q Do you have any knowledge as to whether or  
16 not a supplemental ownership report was ever prepared  
17 following the 1994 election?

18 A I don't have specific recollection of that  
19 report being prepared at -- when it should have been  
20 prepared then. I don't have that recollection.

21 Q That's -- my question isn't necessarily  
22 focused on the time period of when arguably it should

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1 have been prepared. The question is whether you have  
2 any recollection of it ever being prepared.

3 MR. DUNCAN: Objection, Your Honor.

4 JUDGE SIPPEL: Wait just a second. Yes,  
5 go ahead.

6 MR. DUNCAN: I'm concerned that the  
7 question and the pause suggests to me that there may  
8 be a difference in Mr. Helgeson's mind between whether  
9 he personally had knowledge versus whether he's ever  
10 seen something and I just -- I'm not sure whether  
11 that's what he's struggling with and I don't know  
12 whether you want to rephrase the question or --

13 MR. SHOOK: If he's ever seen it, I'm  
14 perfectly happy to have him testify as to when he may  
15 have seen such a document.

16 JUDGE SIPPEL: Well, I think that -- yes,  
17 I mean, I'm assuming the witness is trying to recall  
18 the best he can. He hasn't indicated that he doesn't  
19 understand the question and you know, what you're  
20 getting at there really sounds to me more like a  
21 redirect, but let me -- do you want to come at it  
22 again, or are you satisfied with where the record is

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1 now?

2 BY MR. SHOOK:

3 Q Well, at this point, Mr. Helgeson hasn't  
4 had an opportunity to answer, so I'm not sure -- if  
5 Mr. Helgeson would like me to ask the question again,  
6 I will do so.

7 A Okay.

8 JUDGE SIPPEL: That would be helpful.

9 BY MR. SHOOK:

10 Q Do you have any recollection of a  
11 supplemental ownership report ever being prepared with  
12 respect to the 1994 general election?

13 A In preparing for this case, this hearing,  
14 I've certainly looked over documents. So, I've seen  
15 documents, including ownership reports for 1995, and  
16 so, since I've seen the document, I believe it's been  
17 prepared.

18 Q What is that you recall from seeing that  
19 document?

20 A I recall seeing a 1995, an ownership  
21 report for 1995. I don't recall that it specifically  
22 -- it might have -- I don't recall at this moment

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1 without seeing it whose signature was on it and the  
2 date it was made.

3 Q Do you have any recollection of a 1995  
4 ownership report being prepared and/or signed in  
5 December of 1997?

6 A From documents I reviewed recently, I  
7 would say, yes, there has been a -- that that -- I  
8 believe it's the 1995 one, 1995 supplemental ownership  
9 report that was prepared in December and signed in  
10 December of 1997.

11 Q Likewise, with respect to a 1993  
12 supplemental ownership report, do you recall seeing  
13 that such a document was signed in December of 1997?

14 A From my reviewing documents for this  
15 hearing, I'm not clear if the '93 one was signed in  
16 December, '97 as well. I'd have -- I'd want to review  
17 the document again.

18 Q Well, given your --

19 A I could probably give you an answer given  
20 -- from looking at the signature of who might have  
21 signed it and dated it.

22 Q I think for the benefit of everyone, I'm

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1 going to try to limit the number of times I bring a  
2 document up to you to have to look at.

3 A Sure.

4 Q Now, when Mr. Jacob was the general  
5 manager, do you have a recollection as to where the  
6 Public File was kept?

7 A When Mr. Jacob was general manager, which  
8 would have been again, starting in 1992, the radio  
9 station was on the basketball court of the gymnasium  
10 and I believe the Public File was -- the files called  
11 the Public File was in one of -- one drawer of a file  
12 cabinet.

13 Q What kind of file cabinet are we talking  
14 about?

15 A It was a standard office file cabinet,  
16 with, I believe, four drawers in it. The one drawer  
17 had the public -- the documents called Public File --  
18 the Public File documents in it and the other three  
19 drawers generally were -- contained station business  
20 and private files that I used.

21 Q When you talk about business records and  
22 files that you used, are these file drawers that you

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1 would put material in on some kind of basis?

2 A Yes, these are the ones on a fairly  
3 regular, often day-to-day basis, I would be putting  
4 documents in. Generally of a financial nature,  
5 programming nature that I would be using as part of my  
6 day-to-day job.

7 Q Now, that file cabinet, a set of four  
8 drawers, I think you said?

9 A Four. Yes.

10 Q Was that file cabinet something that made  
11 the transition? Did it make the transition from the  
12 basketball court to the station's current offices?

13 A Yes. It was an old file cabinet. It'd  
14 been there since probably before I started working  
15 there.

16 Q And the trusty old file cabinet made it.

17 A The old file cabinet came along with us.  
18 We didn't have much of a budget for new office  
19 furniture.

20 Q Now, to your knowledge, did anyone ever  
21 add anything to the Public File during Mr. Jacob's  
22 tenure as general manager?

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1           A       During Jerry Jacob's time there, I don't  
2 recall -- have a specific recollection of who put what  
3 in the Public File.

4           Q       To your knowledge, during Mr. Jacob's  
5 tenure as general manager of KALW, did anyone ever  
6 remove anything from the Public Inspection File and  
7 not put it back?

8           A       During his tenure, I don't have any  
9 recollection of somebody taking something out and not  
10 returning it or returning it. I don't have any  
11 recollection of someone going in the Public File.

12          Q       Now, as we've discussed earlier, after Mr.  
13 Jacob departed, Ms. Rose Levinson became general  
14 manager. Correct?

15          A       That's correct.

16          Q       She was general manager for roughly one  
17 year?

18          A       I would say roughly one year, from  
19 approximately mid '95 to mid '96. Approximately.

20          Q       While Ms. Levinson was general manager,  
21 did you ever provide assistance to her with respect to  
22 the station's Public Inspection File?

1           A       I don't have any specific recollection of  
2 her requesting I do anything regarding the public  
3 information file.

4           Q       Did you ever prepare quarterly issues  
5 programs list during Ms. Levinson's tenure as general  
6 manager?

7           A       I don't have any recollection of preparing  
8 an ownership report during that period of time.

9           Q       I don't think I asked about ownership  
10 reports --

11          A       Oh, I'm sorry.

12          Q       I think I asked about quarterly issues  
13 programs list.

14          A       Oh, sorry. I'm sorry.

15          Q       That's okay. I kind of drone on.

16          A       Okay. That's okay. During that period of  
17 time, I don't recall assisting her in preparing any  
18 kind of issues list.

19          Q       Were you aware of anyone preparing  
20 quarterly issues programs list during Ms. Levinson's  
21 tenure as general manager?

22          A       During her tenure, I don't recall how



1 programs issues -- no, I don't recall anyone who  
2 prepared them during that period of time.

3 Q Did you ever place quarterly issues  
4 programs list in the station's Public File during Ms.  
5 Levinson's tenure as general manager?

6 A At this point, I have no recollection of  
7 placing them in the Public File.

8 Q Were you aware of anyone placing quarterly  
9 issues programs list in the station's Public File  
10 during Ms. Levinson's tenure as general manager?

11 A I don't have any recollection of who might  
12 have been -- or I have no recollection who might have  
13 put issues programs list in the Public File.

14 Q Was the Public File kept in the same place  
15 as it had been during Mr. Jacob's tenure as during Ms.  
16 Levinson's tenure?

17 A As far as I can recall, it was still  
18 sitting in that one -- the files were still sitting in  
19 that one drawer of the file cabinet.

20 Q Where was that file cabinet in relation to  
21 where you had your workstation?

22 A It was in the -- it wasn't right next to